

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK
NWAUZOR, on behalf of all those similarly
situated, and FERNANDO AGUIRRE-
URBINA, individually,

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

No. 3:17-cv-05769-RJB

DECLARATION OF DEVIN
THERIOT-ORR IN SUPPORT OF
CLASS PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES &
COSTS

I, Devin T. Theriot-Orr, declare as follows:

1. I am one of the attorneys of record for the Plaintiffs in this matter. I am over the age of eighteen, competent to testify in this matter, and do so based on my personal knowledge.

2. I am an attorney licensed to practice law in the State of Washington since 2003. I co-founded Open Sky Law, PLLC in April 2019. Prior to starting Open Sky Law, I owned and operated a successful, one-member private practice called Sunbird Law, PLLC from 2015–2018.

3. I graduated with high honors from the University of Washington School of Law in 2003 and passed the Washington State Bar Exam later that year. While in law school,

1 I represented non-citizens in deportation proceedings in the immigration clinic, and briefed
 2 and argued a successful prisoner appeal in a § 1983 claim before the Ninth Circuit in the
 3 appellate advocacy clinic. *See Woods v. Noelle*, 67 Fed. Appx. 436 (9th Cir. 2003)
 4 (unpublished).

5 4. I joined Gibbs Houston Pauw as an associate in September 2008. My practice
 6 at Gibbs Houston Pauw focused on complex immigration litigation. Many of our cases raised
 7 novel issues or had complex procedural histories. In addition to immigration benefit
 8 applications before USCIS, I carried a full caseload of deportation defense matters as well as
 9 litigation matters before United States district courts.

10 5. My specialty is complex immigration cases and federal court litigation under
 11 the Administrative Procedure Act, the Immigration and Nationality Act, and the United States
 12 Constitution. *See, e.g., Palamaryuk v. Duke*, 306 F. Supp. 3d 1294 (W.D. Wash. 2018); *Vay v.*
 13 *Asher*, No. 2:16-cv-00433-JLR (W.D. Wash. 2016); *Bakhmet v. Napolitano*, (W.D. Wash.
 14 2012); *Abdur-Rahman v. Napolitano*, 814 F. Supp. 2d. 1098 (W.D. Wash. 2011); *Sears v.*
 15 *Asher*, (W.D. Wash. 2012); *Hong v. Napolitano*, 2010 WL 2426000 (W.D. Wash. June 11,
 16 2010); *United States v. Egner*, 2011 WL 62133 (W.D. Wash. Jan. 7, 2011); *Chaudhry v.*
 17 *Napolitano*, 749 F. Supp. 2d 1184 (E.D. Wash. Oct. 26, 2010); *Afato v. Clinton*, 2010 WL
 18 3855264 (E.D. Cal. Sep. 29, 2010); *Garcia v. Holder*, 2009 WL 1587926 (W.D. Wash. 2009).

19 6. I am an Adjunct Professor of Law at Seattle University School of Law where I
 20 teach immigration law. I have also given numerous presentations regarding immigration
 21 litigation at regional and national conferences. I regularly present at both the American
 22 Immigration Lawyers Association (“AILA”) NW Regional Conference as well as the AILA
 23 National Conference.

7. I am an active AILA member, and am the former chair of the Washington chapter's Professional Responsibility and Consumer Protection Committee. I was also a member of the AILA National Amicus Committee from 2011 until 2020. I wrote the amicus brief for the Washington Defender's Association Immigration Project urging the Washington Supreme Court to affirm in *State v. Breitung*, 267 P.3d 1012 (Wash. 2011), *aff'g in part* 230 P.3d 614 (Wash. Ct. App. 2010) (affirming on issue argued by amicus). I also wrote the amicus brief on behalf of AILA urging *en banc* review in *Mondaca-Vega v. Holder*, No. 03-71369 (9th Cir.).

8. I have been on the litigation team for several class action matters, including *B-H v. USCIS*, No. 11-2108RAJ (W.D. Wash.) (nationwide challenge to asylum work authorization procedures); *Lee v. Ashcroft*, No. 04-449RSL (W.D. Wash.) (district-wide challenge to naturalization denials); *Khoury v. Asher*, 3 F. Supp. 3d 877 (W.D. Wash. 2014), *aff'd* 667 Fed. Appx. 966, 2016 WL 4137642 (Aug. 4, 2016), *rev'd sub nom Nielsen v. Preap*, 139 S. Ct. 954 (2019); *Rosario v. USCIS*, No. 15-00813-JLR (W.D. Wash.). In each of the foregoing cases, classes were certified.

9. Attached as **Exhibit 1** is a true and correct copy of my resume which more fully describes my background and experience.

10. My current hourly rate is \$450 per hour. These are the rates that I regularly charge for my legal work. At the beginning of this matter, my hourly rate was \$375, but I raised my hourly rate to \$450 per hour in July 2019 to more appropriately reflect the prevailing market rates and my relative experience.

11. Whitney Wootton is an associate at Open Sky Law. She started working with me as an intern at my prior firm of Sunbird Law and became an associate upon passing the bar

1 exam in 2018. Ms. Wootton's current hourly rate is \$225. Prior to becoming an attorney, her
2 hourly rate was \$100.

3 12. Sandra Elizabeth Campos is a paralegal at Open Sky Law, and has worked at
4 Open Sky since we opened in 2019. Ms. Campos' current hourly rate is \$125.

5 13. Jesus Pinedo Cervantes is a legal assistant at Open Sky Law, and he has
6 worked at Open Sky since we opened in 2019. Mr. Pinedo Cervantes' current hourly rate is
7 \$50.

8 14. I began working on this matter in April 2017. Open Sky uses billing software
9 to capture and record time. I review and edit my time and deduct unbillable, unproductive,
10 duplicative, and erroneous time and I reduce the time spent based upon my business
11 judgment. This process happens both at the time it is recorded and again before an invoice is
12 generated to the client. In this case, for example, I applied a 20% discount to time spent on
13 strategy meetings and discussions with co-counsel and counsel for the State. Even though I
14 think this time was reasonably spent in pursuing efficient and successful completion of the
15 litigation, I have applied this reduction in the exercise of my billing judgment to address any
16 concerns with duplication of effort. In all, I reduced Open Sky's requested lodestar by
17 \$4,441.25, which represents an approximate reduction of 7% of the total amount.

18 15. Attached as **Exhibit 2** is a true and correct copy Open Sky's billing and costs
19 invoice in this matter to date, adjusted for the write-offs and discounts described above.

20 I declare under penalty of perjury of the laws of the United States that the foregoing is
21 true and correct to the best of my knowledge.

22 DATED this 16th day of November, 2021.

/s/ Devin T. Theriot- Orr

Devin T. Theriot-Orr

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED at Vashon, Washington this 16th day of November, 2021

s/ Mary Dardeau

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